

CNR No.MHWR090010932024
P.W.D.V.A. No. 42/2024
Pooja Dongre -Vs- Amit Dongre
Order below Exh No.13



**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, KARANJA
GHA.**

(Presided Over by Smt. Diksha D. Vighne)

P. W. D. V. A. No. 42/2024

Smt. Pooja Amit Dongre
Age- 24 Years, Occ.- Household,
R/o.- C/o, Chandrashekar Dhole,
Sawali, (Khurd)
Tq.- Karanja Gha., Dist.- Wardha.

... Applicant

-VERSUS-

Shri. Amit Dhanrajji Dongre
Age- 32 Years, Occ.- Pvt. Job,
R/o.- Sawali (B.),
Tq.- Karanja Gha., Dist.- Wardha.

... Non-applicant

Appearance :-

For Applicant : Learned advocate Shri. R. V. Maske
For the accused : Learned advocate Shri. D. G. Tahetwar

ORDER BELOW EXH NO.13

(Passed on 03/06/2026)

This is an application filed by non-applicant u/s. 28(2) of Protection of Women from Domestic Violence Act.

2. Perused application and say thereon. Heard learned advocate Shri. D. G. Tahetwar for non-applicant and learned advocate Shri. R. V. Maske for the applicant.

3. Learned advocate for non-applicant has stated and submitted that applicant has filed present application alleging certain baseless and false allegation particularly that respondent forced the applicant to undergo an abortion against her will. Those allegations are false, fabricated and devoid of merits. applicant was pregnant during cohabitation with non-applicant and non-applicant had regularly taken care of her health, medical treatment and well being during the said pregnancy. Despite that applicant repeatedly express her unwillingness to continue the pregnancy. Thereafter, without consent of non-applicant she had left matrimonial home with her father and returned to her paternal home. The applicant went alone to Dr. Kalambe's private clinic to terminate her pregnancy. From there applicant called non-applicant and threaten that, "I don't want to keep the baby, come immediately, or I will falsely implicate you and your family members in legal cases". Due to high fees demanded in private hospital, the applicant shifted herself to government hospital Karanja Gha. on 09.10.2024 and voluntarily underwent abortion by giving written consent without any coercion or force from the non-applicant.

4. It is further stated that non-applicant that hospital consultation sheet bearing applicant signature and handwritten consent clearly mention that the procedure was done after counseling and that patient was oriented and voluntarily consenting. Applicant has made no allegation of coercion, abuse or force to any doctor, hospital authority or Protection Officer at the time of abortion. Which itself shows that Domestic Violence complaint is afterthought and misuse of judicial cases. No act of Domestic Violence is made out against applicant. Allegation are unsubstantiated, motivated and malicious.

Hence, he has prayed for discharge of non-applicant u/s. 28(2) of Domestic Violence Act r/w Section 239 of Cr.P.C.

5. The learned advocate for applicant has filed his reply on the back lief of this application. It is stated and submitted by him that once the non-applicant has filed his written statement he has submitted to jurisdiction of this court and participated in the proceeding. At this stage an application for discharge is not tenable under protection of women from Domestic Violence Act. Therefore, he has prayed for rejection of this application.

6. Perused application and say thereon. Heard both sides. Non-applicant has filed present application for discharge on the ground that applicant voluntarily underwent abortion and no force or coercion was applied by non-applicant to applicant for the same. For that purpose he has filed medical documents of abortion of Government hospital Karanja Gha. Those documents have included consent form in which applicant has stated that she voluntarily undergo abortion of her child. That consent has bear signature of husband of patient and signature of patient. I have perused main application of applicant. On perusal of same I have seen that applying force for abortion is only one of the incident stated by applicant against non-applicant. Other than incident of abortion several other allegations of Domestic Violence have also made by applicant against non-applicant. Therefore, only because applicant had given consent for abortion can not discharge non-applicant from liability of other incidents of Domestic Violence. As well as, it is prima facie seen that the signature of patient in consent form is written as P. Dhole. However, the signature of applicant in other documents filed in court does not correspond with signature in consent

form. Therefore, prima facie it can not be concluded that signature on consent form is of applicant. As well as, medical document can not be consider without examining medical officer who had issued those documents. Therefore, only on the basis of medical documents filed by non-applicant it can not be concluded that no incident of Domestic Violence has occurred against applicant. The case is at primary stage and without giving opportunity of trial to applicant the allegations made by her on affidavit can not be consider as baseless. Thus, at this stage non-applicant is not entitle to be discharge from the allegations made against him. Thus, considering aforesaid reason, I pass following order.

ORDER

Application is rejected.

Date: 03/06/2026

(Diksha D. Vighne)
Judicial Magistrate First Class,
Karanja Gha.